

REMARKS

Upon entry of the present amendment, claims 12-18 will have been submitted for entry and consideration by the Examiner. These claims are submitted in order to afford Application the scope of protection to which he is entitled.

In the outstanding Official Action, the Examiner rejected claims 1-11 under 35 U.S.C. § 103(a) as being unpatentable over OUCHI (U.S. Patent No. 6,767,349) in view of RYDELL (U.S. Patent No. 5,035,696) and further in view of the teachings of WEAVER et al. (U.S. Patent No. 5,536,248). Applicant respectfully traverses the above rejection and submits that it is not applicable to the claims in the present application.

In particular, as noted in the Response filed on January 12, 2006, the OUCHI reference relied upon by the Examiner is not available as a reference against the claims of the present application under 35 U.S.C. § 103(c). The basis for the non-availability of the OUCHI reference against the claims in the present application is fully set forth in the above-mentioned Response filed on January 12, 2006. In the interest of brevity, the basis will not be restated herein. However, the Examiner is respectfully directed to review the basis for the non-availability of the OUCHI reference as set forth in the above-mentioned Official Action, the totality of which is incorporated herein by reference.

Moreover, Applicant additionally notes that the OUCHI publication which is based upon a above-noted OUCHI reference is also not available as a reference against the claims in the present application. The details of this issue are further set forth in the above-mentioned Response filed on January 12, 2006 and which is also incorporated herein by reference in its entirety.

Independently of the above and to the extent relevant, Applicant further notes the arguments set forth in the Response filed on July 8, 2005 regarding the above-noted references. For the reasons set forth in the above-noted response, Applicant respectfully submits that the disclosure of OUCHI is inadequate and insufficient to render the claims pending herein unpatentable. Again, in the interest of brevity, the Examiner is respectfully directed to review the arguments made in the above-noted Response of July 8, 2005, the entirety of which is also incorporated herein by reference.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejection set forth in the above-mentioned action in view of the herein contained amendment and remarks, which incorporate by reference the totality of the remarks and arguments set forth in the Official Actions of January 12, 2006 and July 8, 2005.

Accordingly, Applicant respectfully requests an indication of the allowability of all of claims 1-18 in due course.

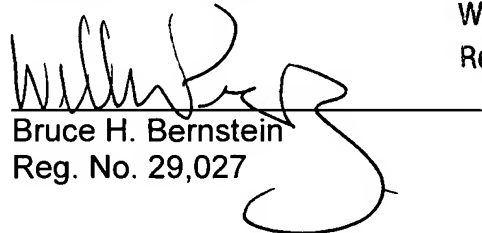
SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has submitted new claims of consideration by the Examiner. Additionally, Applicant has pointed out and reiterated the non-availability of the primary reference relied upon by the Examiner against the claims of the present application. Additionally, and independently of the above, Applicant has pointed out the shortcomings and deficiencies of the disclosure of the references applied against the claims in the present application. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully requests an indication to such effect in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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